

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 9/13/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 12th day of July 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

**Roll Call: Donald Bollin-President
JoAnne Arruda-Vice President
Hannibal Costa - Absent
Louise Durfee**

**Jay Lambert
Cecil E. Leonard
Edward Roderick**

Town Administrator, James C. Goncalo

Assistant Town Solicitor Mike Ursillo was also present

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the items on the Consent Agenda.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings.

1. Minutes Not Completed

A-2-Receipt of Minutes from Various Board and Commissions:

- a. Art's Council
- b. Open Space Commission
- c. Wastewater Management Commission

A-3-Correspondence

- a. Received From State Representative John G. Edwards Regarding RIDOT Approval of Sign on Route 24 for Historic Tiverton Four Corners
- b. Received From Tony Kelly Regarding Tax Increase in Tiverton
- c. Received From Cumberland Public Schools Resolutions Relative to Support of Fair Education Funding Formula, Opposing Binding Arbitration for Teacher and School Employee Contracts and Opposing Teacher Contract Continuations

A-4-Council Authority for Town Administrator to Sign Programmatic Agreement With HUD CDBG

A-5-Caroline Levesque, Rhode Island Team Racing Association -Approval of Sailing Regatta at Fogland Beach on September 4th and 5th – Approved by Recreation Commission

PUBLIC HEARINGS- ADVERTISED

Jane Bitto, Singing Out Against Hunger – Public Hearing for Noise Variance Annual Fund Raiser with Live Music Outside Performing on September 10th, 11th and 12th, 2010 from 12:00 p.m. to 9:30 p.m.

President Bollin opened the Public Hearing on a request for a noise ordinance variance relative to an annual fundraiser at Evelyn's. Councilor Durfee received numerous complaints from neighbors last year regarding loud music and the music being played after 9:00 p.m., planned to ask the Council to move the

time back to 7:30 p.m with no amplification. President Bollin also received several complaints about the noise level and time, agreed the time frame had to be shortened, the loud music was also an issue. Police Chief Thomas Blakey also suggested the time be moved to 7:00 pm, concerned about safety, parking and pedestrians. Plans to monitor the event.

Councilor Durfee made a motion, seconded by Councilor Roderick the request for a noise ordinance variance with an ending time of 7:00 pm and no amplification of music permitted. Councilor Leonard noted the motion was for the application to be modified to those terms.

Councilor Lambert agreed with moving the time, not sure if the music could be heard without amplification. Dominick and Jane Bitto did not know about the complaints, were not notified, said a Police Officer did come by, said no problem. There was a gauge, willing to change the amplification; cutting back three hours will affect the amount of money raised. Councilor Lambert noted the people who would lose out are those that need it most. Councilor Lambert motioned, as a compromise to change the time to 7:30 and control and reduce the amplification. Last year's decibel level was listed between 85-90.

President Bollin was getting complaints from people in Nanaquaket. The readings need to be taken at the property limit. Councilor Roderick noted this was absolutely a worthwhile endeavor; sound at night should be acoustical. Mr. Bitto stated tried to do what was right, raised \$25,000 last year for the community, also donate time and labor. Two years ago made modifications. Feels there is a lack of communication between business and persons with complaints.

Councilor Durfee stayed with the motion to move the time to 7:00 pm with no music amplification. Seconded by Councilor Roderick the motion passed on a vote of 4-2, Councilors Lambert and Leonard opposed.

Lisa Machado, Coastal Roasters, 1791 Main Road, Singing Out Against Hunger – Public Hearing for Noise Variance - Annual Fund Raiser with Live Music Outside Performing on September 10th From Noon to 4:00 p.m., September 11th and 12th, 2010 From 9:00 a.m. to 1:00 p.m.

Chief Blakey was concerned about parking, had several complaints, will monitor closely.

Councilor Leonard made a motion, seconded by Councilor Durfee to approve the application. President Bollin asked to make the same restrictions regarding music amplification. Councilor Leonard modified the motion to include no music amplification. President Bollin stated some responsibility by Town, should have notified the Bitto's, about complaints and should have been brought up at a Council meeting. The motion passed unanimously.

Councilor Roderick recused himself and left the Council table since he lives at Countryview.

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:
Annual Renewal of Countryview Estates LLC License – Continued From June 14, 2010 Council Meeting – Request to Continue to August 23rd by Attorney Leary**

Councilor Durfee made a motion, seconded by Councilor Arruda to continue the renewal of Countryview Estates LLC license to August 23,2010. Motion passed unanimously.

Councilor Roderick returned to the Council table.

APPOINTMENTS & RESIGNATIONS:

Interviews for New Candidates Seeking Appointment

Planning Board – Carol A. Guimond

The Council interviewed Carol A. Guimond seeking appointment to the Planning Board. Councilor Leonard asked his usual question-why interested and what do you bring to this board. Mrs. Guimond works in real estate, has a lot of experience, has attended meetings of the Planning and Zoning Board during rezoning, has read the Comprehensive Plan. Would like to see the Route 24 corridor and North Tiverton revitalized. President Bollin thanked Mrs. Guimond.

Appointment to Planning Board (2) Available Unexpired Terms to 6/30/2012

Elizabeth Kinnane – Previously Interviewed

President Bollin noted there were two positions available; past practice was to wait until next meeting, saw no reason not to appoint.

Councilor Leonard made a motion, seconded by Councilor Durfee to appoint Elizabeth Kinnane to the Planning Board for an unexpired term to June 30,2012. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to appoint Carol Guimond to the Planning Board for an unexpired term to June 30,2012. Motion passed unanimously.

Re-Appointments to Boards and Commissions With No New Candidates

John McEwing – Harbor Commission – Term to Expire 6/30/2012

Councilor Roderick made a motion, seconded by Councilor Durfee to reappoint John McEwing to the Harbor Commission for a term to expire June 30,2012. Motion passed unanimously.

NEW BUSINESS:

Councilor Bollin – Extension of Tax Payment Grace Period

Council President Bollin placed this item on the agenda, concerned; citizens were not given enough time to pay tax bills, which were sent out late. Councilor Roderick also received numerous calls to extend the grace period.

Councilor Roderick made a motion, seconded by Councilor Leonard to extend the grace period until July 25th. Motion passed unanimously.

Councilor Costa – Establishment of a Tiverton Traffic Commission

Councilor Bollin made a motion, seconded by Councilor Roderick to continue this to the next regular meeting. Motion passed unanimously.

Councilor Leonard – Request Status Report by Planning Board Chair and Town Administrator on Design Review Standards and Establishment of Design Review Commission per Comprehensive Community Plan

Councilor Leonard was requesting a status report by the Planning Board Chair and Town Administrator on Design Review Standards and establishment of a Design Review Commission per the Comp. Plan. Remembered expending funds to hire a consultant, looking for an update, wanted to make sure the Council was giving Planning Board support. Administrator Goncalo informed the Council the Planning Board chair was out of state. Town Planner, Christopher Spencer, updated the Council on the status. In February 2005, \$26,000 was budgeted for this project, had several workshops, and ran short of funds to complete. One theory looked at General Commercial to have a strict design standard. Now it is strongly based on a design review approval, more of a cooperative approach, especially to level of area for context. Good results with design review wouldn't have got this with strict design review standards. Have taken the approach to look at each area, added language for contexture, strengthening that process. State law doesn't allow design review sub committee. Under Article 20, also added

language. President Bollin questioned the cost relative to design review. Mr. Spencer has taken a common sense approach, aware of the issues, doing as a collaborative approach. Too early to apply strict standards across board.

Councilor Leonard was puzzled, noted Solicitor Teitz said there was no authorization (under 4.5), his advice, handle under technical review, will save question for Solicitor, what authority do we have? Councilor Bollin also questioned where authority was.

Councilor Leonard made a motion, seconded by Councilor Lambert to continue this item to the next regularly scheduled meeting. Motion passed unanimously.

Councilor Durfee – Request for Projected Financial Review of Fiscal Year End 6/30/2010

Councilor Durfee requested the Treasurer, Philip DiMattia, provide the Council with a projected financial review of Fiscal Year (FY) ending June 30, 2010. Treasurer DiMattia said it was still a work in progress, had met with the auditors, and discussed increasing the pace of the audit. Handed out a series of emails from some surrounding communities as to when they provide financial updates and a schedule of the audit. Mr. DiMattia told the Council there was about \$250,000 to \$300,000 in reserve, best estimate the Town should break even, does not think there will be an excess surplus, only asked to present projections. Councilor Durfee noted if you know the income and subtract expenses account for debt service and encumbrances should have a rough idea of the balance. President Bollin stated all the Council was looking for was an estimated number, whether there was an increase or a decrease in the General Fund, expect when this report comes out it should be very clear. Councilor Durfee was not satisfied should be monitoring expenditures. Know what payroll is, total income, the encumbrances, expenditures. Last February, Treasurer said there would be a surplus of \$700,000.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. The Town Clerk's Office will be closed on July 27, 2010 for election training.
2. Church Community Housing will hold training for homeowners. Call Paula Rezendes at 846-5114.
3. Commended Harbormaster David Vannier for an incident at Fogland. Person swimming off a boat, tired, heard calls for help, assisted getting person back in boat, received letter of thanks from a grandchild.
4. Tax collections as of 6/30/10 were 96.91% of the levy, 3.09 uncollected or \$993,727. Compared to previous year 97.04%, 2.96 uncollected. As of today at 2:00 pm, \$6,564,721 or 18.9% collected.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Durfee questioned the status of the Senior Center roof. Administrator Goncalo informed the Council the volunteer committee was getting quotes on shingles looking for a favorable price, after last meeting, checked with the State, contacted the Interlocal Trust for requirements of volunteers, just need a qualified supervisor, Maintenance Foreman, Bob Martin to oversee. Mr. Martin in the past has resingled and replaced roofs in many of the Town's buildings.

Councilor Leonard was concerned about speeding at Fogland and the bicycle riders who don't ride single file. Administrator Goncalo noted anything brought to his attention has been addressed. Councilor Leonard questioned the Administrator if the Municipal Feasibility Committee was covered for liability by the Trust, reply was yes.

Councilor Roderick has received complaints about traffic coming out of Hurst Lane onto Stafford Road, getting worse, nothing has been done yet to improve the area. Administrator Goncalo to talk to Chief Blakey about patrols and a speed monitor.

Councilor Durfee planned to put on a future agenda, the need to look at hardship requirements relative to taxes, might need to be adjusted. Councilor Leonard noted in Barrington at age 65 the tax is frozen.

Councilor Arruda wanted to address traffic issues, especially loud motorcycles in the area of Crandall Road.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Distribution of Hoffman Report on Bay Street Remediation

Councilor Leonard questioned the Assistant Solicitor about the ramifications of reports of a Native American Burial ground at the Nonquit School. Councilor Lambert, as a member of the Building Feasibility Committee, met with Solicitor Teitz on this very issue. According to Administrator Goncalo the Town has to disclose it, not define it. Councilor Leonard had a clear recollection it has to do with an archeology site, could be a real estate transfer or an antiquity transfer. Assistant Solicitor Ursillo said it was most definitely a notification requirement.

CLOSED EXECUTIVE SESSION:

Town Solicitor - Litigation – 42-46-5(a) (2)

Town Administrator–42-46-5(a)(2)–Collective Bargaining - IAFF

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining - IAFF. Motion passed unanimously.

The Council entered into Executive Session at approximately 8:20 p.m.

The Council returned to Open Session at approximately 9:30 p.m.

OPEN SESSION:

President Bollin announced formal action had been taken in Executive Session.

Councilor Roderick motioned to seal the minutes of Executive Session. Seconded by Councilor Lambert motion passed unanimously.

ADJOURNMENT:

Councilor Durfee motioned to adjourn, seconded by Councilor Roderick. Motion passed unanimously.

Council adjourned at approximately 9:35 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk